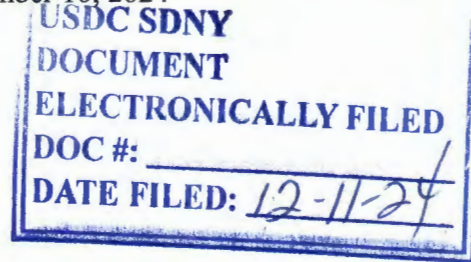


**GS GELBER +  
SANTILLO****MEMO ENDORSED**

December 10, 2024

**VIA ECF**

Hon. Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *United States v. Midence Oqueli Martinez Turcios*  
No. 1:18-cr-499 (LAK)

Dear Judge Kaplan:

On behalf of defendant Midence Oqueli Martinez Turcios, we write to respectfully request that the Court enter the attached order, which will allow Mr. Martinez Turcios to obtain copies of disciplinary records from the Bureau of Prisons for [REDACTED], for use at the upcoming *Fatico* hearing in this matter, which is scheduled to commence on December 12, 2024. The defense requested these records from the Government, and the Government has advised that it does not have these records and it will not seek them. Further, the Government has advised that it will not consent to the defense seeking the records.

The Government has raised serious allegations of violence against Mr. Martinez Turcios based solely upon the word of [REDACTED]. Evidence shows that [REDACTED] has been disciplined on at least one occasion for having access to an unauthorized cell phone to communicate with third parties, and also that they have communicated with each other through intermediaries. The defense submits that such a request aimed at obtaining evidence critical to evaluating the credibility of [REDACTED] is appropriate at sentencing, and respectfully requests that the attached order be entered. *See, e.g., United States v. Ruth*, 495 F. Supp. 3d 161, 164-65 (W.D.N.Y. 2020) (enforcing Rule 17 subpoena for impeachment material in advance of sentencing).

Thank you for your consideration of this matter.

Sincerely yours,

/s/ Kristen M. Santillo  
Kristen M. Santillo

Memorandum Endorsement

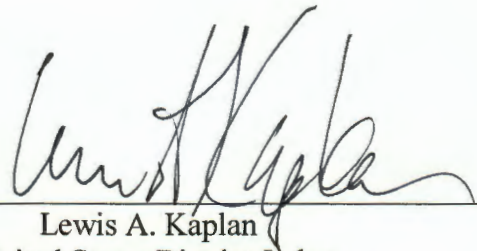
United States v. Turcios, 18-cr-499 (LAK)

This defendant *yesterday* filed a letter motion for an order directing the Bureau of Prisons (“BOP”) to produce to his counsel no later than *today* copies of disciplinary records of certain persons in the BOP’s custody for use in a *Fatico* hearing that long has been scheduled for *tomorrow*. See Dkt 36 (Oct. 21 order scheduling *Fatico* hearing for Dec. 12). The motion, whatever its merits might have been if timely made, is denied because it is untimely.

Quite apart from the motion’s timing, it is denied on the alternative ground that it is without merit, substantially for the reasons set forth in the government’s letter of December 11 (Dkt. 41). In addition, the Court notes that the BOP is not a party to this action or subject to the Court’s jurisdiction for the purpose of ordering it to produce internal records.

SO ORDERED.

Dated: December 11, 2024

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan", is written over a horizontal line.

Lewis A. Kaplan  
United States District Judge